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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2008-210

11 JENNIFER ROCHELLE LANDRY
12 1715 Lincoln Avenue
San Rafael, CA 94901

ACCUSATION

13 Registered Nurse License No. 564768

14 Respondent.
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17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about March 7, 2000, the Board of Registered Nursing issued
23 Registered Nurse License Number 564768 to Jennifer Rochelle Landry (Respondent). The
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on March 31, 2008, unless renewed.

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3. This Accusation is brought before the Board of Registered Nursing

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"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

...

6. Section 490 states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

7. Section 2764 states:

"The lapsing or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary suspension of a license by a licentiate shall not deprive the board of jurisdiction to proceed with any investigation of or disciplinary proceeding against such license, or to render a decision suspending or revoking such license."

8. Section 125.3, subdivision (a), states, in pertinent part:

"Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . the board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

9. California Code of Regulations, title 16, section 1444, states:

1 "A conviction or act shall be considered to be substantially related to the
2 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
3 present or potential unfitness of a registered nurse to practice in a manner consistent with the
4 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the
5 following:

6 "(a) Assaultive or abusive conduct including, but not limited to, those violations
7 listed in subdivision (d) of Penal Code Section 11160.

8 "(b) Failure to comply with any mandatory reporting requirements.

9 "(c) Theft, dishonesty, fraud, or deceit.

10 "(d) Any conviction or act subject to an order of registration pursuant to Section
11 290 of the Penal Code."

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13 FIRST CAUSE FOR DISCIPLINE

14 (CRIMINAL CONVICTION)

15 10. Respondent's license is subject to discipline under sections 490, 2761(a),
16 2761(f), and/or 2762(c) in that on or about August 21, 2007, in a criminal proceeding entitled
17 *The People of the State of California v. Jennifer Rochelle Landry*, in The Superior Court of the
18 State of California in the County of Marin, Case Number CR154354, Respondent was convicted
19 by her plea of guilty of violating Vehicle Code section 23152(b) (Driving under the influence of
20 alcohol). The circumstances are as follows:

21 a. On or about June 1, 2007, Respondent was arrested for violating
22 Vehicle Code section 23152(a) (Driving under the influence of alcohol), for violating Vehicle
23 Code section 23152(b) (Driving with a blood alcohol level above .08), and for violating Vehicle
24 Code section 20001 (Hit and run). Respondent was involved in a motor vehicle accident at the
25 intersection of Lincoln Avenue and Brookdale Avenue in San Rafael, California, and fled the
26 scene. Respondent's blood alcohol level was .21%.

27 b. On or about August 21, 2007, Respondent was sentenced as
28 follows: to serve three years supervised probation; to complete nine month Level Two DUI

1 School; to submit to blood, breath or urine testing; to abstain from driving with any measurable
2 amount of blood alcohol; and to pay \$1,444.00 in fines, and \$100.00 in restitution.

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4 SECOND CAUSE FOR DISCIPLINE

5 (USING ALCOHOLIC BEVERAGES IN A DANGEROUS MANNER)

6 11. Respondent's license is subject to discipline under sections 490, 2761(a),
7 and/or 2762(b) in that Respondent used alcoholic beverages in a manner dangerous to herself and
8 others, as alleged in paragraph 10a. above.

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10 PRAYER

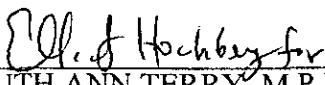
11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 564768, issued
14 to Jennifer Rochelle Landry;

15 2. Ordering Jennifer Rochelle Landry to pay the Board of Registered Nursing
16 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 125.3; and

18 3. Taking such other and further action as deemed necessary and proper.

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20 DATED: 1/11/08

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23 RUTH ANN TERRY, M.P.H., R.N.
24 Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
28 Complainant

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